

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Eugene N. Yarrington III &
Seth D. Romanos

v.

Civil No. 19-cv-015-JL

JPMorgan Chase & Co. et al.

SUMMARY ORDER

Defendant JPMorgan Chase & Co. ("Chase") moves for reconsideration of this court's May 6, 2019 decision to take under advisement Chase's motion to dismiss,¹ and also moves to correct the record as to a factual representation Chase's counsel made during oral argument. The plaintiffs oppose the motion for reconsideration but assent to the request to correct the record.

The motion is granted in part and denied in part.² The request to clarify the record, though unaccompanied by an affidavit or sworn declaration in support of its factual assertion (thus violating Local Rule 7.1(a)(2)), is granted as assented to.³ See L.R. 7.1(a).

¹ See doc. no. 23.

² Chase's Mot. for Reconsideration (doc. no. 29).

³ See id. at 4.

The motion to reconsider is denied, however, as there is no ruling for the court to reconsider. See Local Rule 7.2(d) (requiring such a motion to "demonstrate that the order was based on a manifest error of fact or law" (emphasis added)). After oral argument, the court took Chase's motion to dismiss under advisement and has made no ruling since. Further, even if the court had ruled on the motion, "[a] motion for reconsideration ... does not allow a party to introduce new evidence or advance arguments that could and should have been presented to the district court prior to the [decision]." Marks 3 Zet-Ernst Marks GmbH & Co. KG v. Presstek, Inc., 455 F.3d 7, 15 (1st Cir. 2006).

The motion to dismiss therefore remains under advisement.

SO ORDERED.



Joseph N. Lapiante
United States District Judge

Dated: May 13, 2019

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